

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-094889

02/23/2011

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT  
M. Kay  
Deputy

IN RE THE MARRIAGE OF  
RICHARD P SPURGEON

RICHARD P SPURGEON  
6095 S RUSSELL RD  
GLOBE AZ 85501

AND

SEIDINA M SPURGEON

SEIDINA M SPURGEON  
2939 W DURANGO  
#P731593 TENTS 1 9N01  
PHOENIX AZ 85009

MINUTE ENTRY

Courtroom 403 – SEA

9:35 a.m. This is the time set for Resolution Management Conference re: Petitioner's Petition for Dissolution of Marriage. Petitioner is present on his own behalf. Respondent is present on her own behalf in the custody of the Maricopa County Sheriff.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

The docket reflects that the petition for dissolution of marriage on December 2, 2010. Respondent was served with the petition on January 5, 2011. The Court takes note of the separate criminal proceedings involving Respondent in CR2010-158701, which reflect that

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Respondent was sentenced to two counts and placed on probation with a scheduled release date of April 3, 2011.

Discussion is held.

Because the date of the parties' marriage is after the date of birth of two of the minor children,

**THE COURT FINDS** that Richard P. Spurgeon is the natural father of the minor children, Shyane (DOB: 4/15/98), Athaniel (DOB: 10/8/99) and Arianna (DOB: 11/20/02). It is not necessary to amend the minor children's birth certificates since Petitioner is already listed as the natural father.

**IT IS ORDERED** declaring that Richard P. Spurgeon is the natural father of the minor children, Shyane (DOB: 4/15/98), Athaniel (DOB: 10/8/99) and Arianna (DOB: 11/20/02).

Because Respondent/Mother is currently incarcerated,

**IT IS ORDERED** affirming that Petitioner/Father shall continue to have sole legal and physical custody of the minor children, Shyane (DOB: 4/15/98), Athaniel (DOB: 10/8/99) and Arianna (DOB: 11/20/02), pending further order of the Court.

**IT IS FURTHER ORDERED** affirming that Mother's contact with the minor children will be at Father's discretion. However, Mother should have frequent and meaningful contact with the minor children.

Both parties agree that a trial of 2 hours is sufficient to resolve all of the remaining issues in this case.

**IT IS ORDERED** setting Trial to the Court on **April 21, 2011 at 2:00 p.m. (2 hours allowed)** in this Division at:

Maricopa County Superior Court  
Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 403  
Mesa, AZ 85210

**IT IS FURTHER ORDERED** limiting each party to the presentation of three witnesses.

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Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to trial.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

**IT IS ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to trial.

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**IT IS FURTHER ORDERED** that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

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**IT IS FURTHER ORDERED** that each party shall deliver their exhibits to the Clerk of this Division no less than 5 days prior to the trial. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

**IT IS FURTHER ORDERED** that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

9:47 a.m. Conference concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

**NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.**

**NOTICE:** A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in

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chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.